

THIRD DIVISION

[CA-G.R. CV. No. 99826, June 17, 2014]

**MAHESH KUMAR, PETITIONER-APPELLEE, VS. REPUBLIC OF THE
PHILIPPINES , OPPOSITOR-APPELLANT.**

DECISION

BUESER, J.:

Before us is an Appeal from the Decision^[1] dated 31 August 2012 rendered by Regional Trial Court, Branch 139 of Makati City granting the Petition for Admission to Philippine Citizenship of Mahesh Kumar.

Culled from the records^[2] are the following pertinent, material antecedent facts :

On 08 August 2008, petitioner-appellee Mahesh Kumar, of legal age and a citizen of Pakistan, filed a Petition for Naturalization before the court a quo. It was alleged that Mahesh Kumar was 37 years old, married and a resident of 6-B Constellation St., Bel Air II, Makati City. He was a permanent resident of the Philippines at the time he filed his petition for naturalization.

Petitioner-appellee was born on 14 May 1971 in Kandht Kot, Pakistan to Pakistani parents. He first arrived in the Philippines on 12 June 1997, on board Malaysian Airlines Flight No. MH372. From the time of his arrival in the Philippines, he first lived in 964-A San Andres St., Malate, Manila from 1997 to 1999. In 1999, he moved to Makati Prime No. 401, 4th Floor, Cluster 4 until 2001. He moved to 7907-D Lawaan St., San Antonio Village, Makati City and stayed there until 2008. In 2008, he transferred to his present residence in 6-B Constellation St., Bel-Air, Jupiter St., Makati City.

He is married to Sangeeta Kumari, likewise a citizen of Pakistan. They were married in Pakistan on 26 November 2009 in accordance with Hindu customs. They have two children; Viney Kumar who was born on 23 December 2001 and Rohit Kumar who was born on 2 March 2005. Both children are enrolled at OB Montessori Center, Inc. at Sta. Ana, Manila.

It was also alleged that petitioner-appellee believes in the principles underlying the Philippine Constitution. By this, he understands that the Philippines is a democratic country. He expressed his sincere desire to learn and embrace the custom, culture and traditions of the Philippines. His religion is Hinduism and he does not believe in polygamy. He is not opposed to organized government nor is he affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government. In case of coup d'etat undertaken by the military, he will not support them because he believes that Philippines is a democratic country. He does not defend or teach the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas. He believes that men and women should be co-equal in all aspects.

Petitioner-appellee knows how to read and write in English and Filipino/Tagalog. He has not filed any petition for citizenship before any court, tribunal or agency. Petitioner-appellee believes that he can be an asset to the Philippine government because he is involved on the agricultural business and that they are planning to have more agricultural reforms which are beneficial to the country.

Petitioner-appellee has not been convicted of a crime involving moral turpitude and likewise, there is no derogatory file on record against him. He serves as a director of the Rotary Club of Pasay Silangan and actively participates in charity works through the Philippine Indian Seva Foundation, Inc.

Furthermore, he works as the Managing Director of MVR Import/Export Internationals, Inc. and has been paying his taxes religiously to the government.

Prior to the filing of the Petition, petitioner-appellee filed an Affidavit of Declaration of Intention to Become Filipino Citizen with the Office of the Solicitor General.

Finding the petition sufficient in form, the court a quo ordered the publication and posting of the petition and the general notice of hearing. In addition, the hearing was set on 2 June 2009.

On 2 June 2009, only the counsel of petitioner-appellee was present. No representative of the Office of the Solicitor General, the Makati City Prosecution Office, the Philippine National Police and the Office of the Executive Judge of Metropolitan Trial Court were present. However, the petitioner-appellee submitted and proceeded with the marking of documentary evidence which supported his petition.

The court a quo acquired jurisdiction over the petition and directed the petitioner-appellee to present his evidence on 20 August 2009. The whole world except the government was considered in general default.

On 20 August 2009, due to lack of material time and by agreement of the parties, the initial presentation of petitioner-appellee's evidence was reset to 07, 08, 09 and 22 October 2009. Thereafter, on 7 October 2009, by motion of the Assistant City Prosecutor, and considering the absence of a representative from the Office of the Solicitor General, the initial presentation of evidence was cancelled and reset to 4 and 5 November 2009.

On further motion by the petitioner-appellee, the initial presentation of evidence was cancelled in order to allow the Office of the Solicitor General time to file its entry of appearance or to deputize the Makati City Prosecutor's Office in their behalf.

Thereafter, the petitioner-appellee took the witness stand and presented as his witnesses Mary Grace Mendoza and Ferdinand Leonen. Mary Grace Mendoza testified that she has known petitioner-appellant for 10 years since he was one of her clients in connection with his import/export business. On the other hand, Ferdinand Leonen testified that he met petitioner-appellant in 1997 or 1998 because the latter supplied him with fruits from Pakistan.

On 31 August 2012, the trial court rendered the assailed decision, the dispositive portion of which reads:

WHEREFORE, premises considered, this Court believes and so holds that petitioner MAHESH KUMAR has complied with all the requirements to

become a Philippine citizen. He has all the qualifications and none of the disqualifications under Sections 2 and 4 of Commonwealth Act No. 473, as Amended by Commonwealth Act No. 535.

Upon the expiration of the two-year period provided for by Section 1, Republic Act No. 530, the said petitioner shall be allowed to become a naturalized citizen of the Philippines, after submission of satisfactory proof that he has complied with the other requirements of the aforementioned law.

Thereafter, the Order of this Court granting citizenship to the petitioner shall be registered and the oath provided by existing laws shall be taken by the petitioner-applicant. Thereupon, the petitioner will be entitled to the privileges of a citizen of the Philippines.

SO ORDERED.^[3]

The Republic, through the Solicitor General opposed the grant of Philippine citizenship on the sole ground:

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THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR NATURALIZATION DESPITE THE INSUFFICIENCY OF EVIDENCE SHOWING THAT PETITIONER'S CHARACTER WITNESSES ARE COMPETENT TO TESTIFY ON HIS GOOD MORAL CHARACTER.

We find the appeal meritorious.

The Solicitor General claims that petitioner-appellee failed to prove that he possesses all qualifications and none of the disqualifications under Section 2 of Commonwealth Act No. 473 or the Revised Naturalization Law, viz:

Section 2. Qualifications. – Subject to section four of this Act, any person having the following qualifications may become a citizen of the Philippines by naturalization:

First. He must be not less than twenty-one years of age on the day of the hearing of the petition;

Second. He must have resided in the Philippines for a continuous period of not less than ten years;

Third. He must be of good moral character and believes in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living.

Fourth. He must own real estate in the Philippines worth not less than five thousand pesos, Philippine currency, or must have some known lucrative trade, profession, or lawful occupation;